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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

KRYSTAL BUMGARDNER,  
  
Defendant.

Case No. 2:22-cr-00190-APG-NJK

**STIPULATION FOR A PROTECTIVE  
ORDER**

Plaintiff United States of America, by and through its counsel of record, Assistant United States Attorneys Steve W. Myhre and Jessica Oliva; defendant Krystal Bumgardner, by and through her counsel, Assistant Federal Public Defender Brian Pugh, for the reasons set forth below, hereby stipulate, agree, and request that the Court enter a protective order in this case restricting the use and dissemination of personal identifying information of each defendant and third parties pursuant to Federal Rule of Criminal Procedure 16(d)(1).

1. The grand jury returned an indictment in this case on August 30, 2022. The indictment arises out of an alleged scheme to defraud Medicaid carried out by the defendant. The allegations include the defendant's use of personal identifying information belonging to

1 purported Medicaid beneficiaries as well as individual providers to submit fraudulent claims to  
2 Medicaid for services that were never actually rendered.

3 2. Defendant made an initial appearance in this district on September 7, 2022. The  
4 defendant is released on bond pending trial. Trial is currently set for August 12, 2024.

5 3. As part of its investigation in the above-captioned case, the government is in  
6 possession of documents related to the charges against defendant, and seeks to provide those  
7 documents to counsel for defendant (although some of the materials may exceed the scope of  
8 the government's discovery obligations).

9 4. The government intends to produce to the "defense team" (defined below) for the  
10 defendant, materials containing Personal Identifying Information ("PII") of real persons,  
11 including, among other things, personal names, addresses, telephone numbers, and Social  
12 Security numbers. The purpose of the proposed protective order is to prevent the unauthorized  
13 dissemination, distribution, or use of materials containing PII of third parties. If this  
14 information is disclosed without limitation, it will risk the privacy and security of third parties  
15 whose PII is contained in the discovery.

16 5. PII makes up a significant part of the discovery in this case and such information  
17 itself, in many instances, has evidentiary value. If the government were to attempt to redact all  
18 PII from the discovery, the discovery would be difficult to understand, and defense counsel  
19 would not be able to adequately evaluate the case, advise their clients, or prepare for trial. In  
20 addition, the discovery in this case is voluminous, making it impractical to redact all PII from  
21 the discovery.

22 6. The parties recognize that the materials containing PII that the government  
23 produces to the defense pursuant to the proposed protective order are solely for the use of the  
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1 defendant, her attorneys, or other individuals or entities acting within the attorney-client  
2 relationship to prepare for the trial in this case.

3 7. Accordingly, the parties jointly request a protective order that will permit the  
4 government to produce discovery that is unredacted, but preserves the privacy and security of  
5 third parties.

6 8. The parties agree that the following conditions, if ordered by the Court in the  
7 proposed protective order (the “Protective Order”), will serve the government’s interest in  
8 maintaining the privacy and security of third parties, while permitting the defense to understand  
9 the government’s evidence against the defendants:

10 a. For purposes of the Protective Order, the term “Personal Identifying  
11 Information” (“PII”) includes any information that can be used to identify a person, including  
12 name, address, date of birth, Social Security number, driver’s license number, telephone  
13 number, account number, or other personal identification number. The term “Protected  
14 Information” refers to materials containing PII (with the exception of each defendant’s own  
15 PII, when contained in materials produced to that particular defendant’s counsel) that the  
16 government produces pursuant to the Protective Order.

17 b. For purposes of the Protective Order, the term “defense team” refers to (1)  
18 the defendant, (2) defendant’s counsel of record, (3) defense investigators who are assisting  
19 defense counsel with this case, (4) retained experts or potential experts, and (5) paralegals, legal  
20 assistants, and other support staff to defendant’s counsel of record providing assistance on this  
21 case.

22 c. Defendant’s counsel of record agrees to advise all members of the defense  
23 team of their obligations under the Protective Order and ensure their agreement to follow the  
24

1 Protective Order, prior to providing members of their defense team with access to any materials  
2 subject to the Protective Order.

3 d. The government is authorized to provide defendant's counsel of record  
4 with Protected Information marked, either physically or electronically: "CONTENTS  
5 SUBJECT TO PROTECTIVE ORDER." If defendant objects to any such designation, he may  
6 do so by application to the Court upon duly noticed motion, following meeting and conferring  
7 with the government regarding the objection.

8 e. The defense team shall not permit anyone other than the defense team to  
9 have possession of Protected Information.

10 f. The defense team shall access and use Protected Information for the sole  
11 purpose of preparing for trial or any related proceedings in this case. The defense team may  
12 review Protected Information with a witness or potential witness in this case, including  
13 defendant. Before being shown any portion of the Protected Information, however, any witness  
14 or potential witness must be informed of, and agree in writing to be bound by, the requirements  
15 of the Protective Order. No witness or potential witness may retain Protected Information, or  
16 any copy thereof, after his or her review of those materials with the defense team is complete.

17 g. The defense team shall maintain Protected Information safely and  
18 securely, and shall exercise reasonable care in ensuring the confidentiality of those materials by  
19 (1) not permitting anyone other than defense team members and defendant as restricted above  
20 to see Protected Information, (2) not divulging to anyone the contents of Protected Information  
21 other than as described in paragraph 8(g) of this stipulation, and (3) not permitting Protected  
22 Information to be outside the defense team's offices, homes, vehicles, or personal presence.

23 h. To the extent that notes are made that memorialize, in whole or in part,  
24 the PII in any Protected Information, or to the extent that copies are made for authorized use

1 by members of the defense team, such notes, copies, or reproductions become Protected  
2 Information, respectively, subject to the Protective Order and must be handled in accordance  
3 with the terms of the Protective Order.

4 i. The defense team shall use Protected Information and materials otherwise  
5 identified as containing PII only for the litigation of this matter and for no other purpose.  
6 Litigation of this matter includes any appeal filed by defendant and any motion filed by  
7 defendant pursuant to 28 U.S.C. § 2255. In the event that a party needs to file Protected  
8 Information, materials otherwise identified as containing PII, with the Court or divulge the  
9 contents of such materials in court filings, the filing should be made with appropriate redactions  
10 pursuant to LR IC 6-1 or under seal pursuant to the procedures set forth in LR IA 10-5.

11 j. The parties also agree that any PII produced in the course of discovery in  
12 the above-captioned matter prior to the date of the Protective Order shall be subject to the terms  
13 of the Protective Order.

14 k. Upon the final disposition of this case, any Protected Information,  
15 materials otherwise identified as containing PII, shall not be used, in any way, in any other  
16 matter, absent a court order. All materials designated subject to the Protective Order  
17 maintained in the defense team's files shall remain subject to the Protective Order unless and  
18 until such order is modified by court order. Within thirty days of the conclusion of appellate  
19 and post-conviction proceedings, the defense team shall return Protected Information and  
20 materials otherwise identified as containing PII to the government, or certify that such  
21 materials have been destroyed.

22 l. In the event that there is a substitution of counsel prior to when such  
23 documents must be returned, new defense counsel must join this Protective Order before any  
24 Protected Information, materials otherwise identified as containing PII, may be transferred

1 from the undersigned defense counsel to the new defense counsel. New defense counsel then  
2 will become the defense team's custodian of materials designated subject to the Protective  
3 Order and shall then become responsible, upon the conclusion of appellate and post-conviction  
4 proceedings, for returning to the government, or certifying the destruction of all Protected  
5 Information and materials otherwise identified as containing PII.

6 Counsel for defendant has conferred with defendant regarding this stipulation and the  
7 proposed order, and defendant agrees to the terms of the proposed order.

8  
9 Respectfully submitted,  
For the United States:

10 JASON M. FRIERSON  
11 United States Attorney  
Nevada Bar Number 7709

12 /s/  
13 STEVE MYHRE  
JESSICA OLIVA  
14 Assistant United States Attorneys

15 For the defense:

16 RENE VALLADARES  
Federal Public Defender

17 /s/  
18 BRIAN PUGH  
Assistant Federal Public Defender  
19 Attorney for KRYSTAL BUMGARDNER  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

KRYSTAL BUMGARDNER,  
  
Defendant.

Case No. 2:22-cr-00190-APG-NJK

**PROTECTIVE ORDER**

The Court has read and considered the Stipulation for a Protective Order, filed by the parties in this matter, which this Court incorporates by reference into this order, and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

1. The discovery in this case contains the Personal Identifying Information (“PII”) of real persons, including, among other things, personal names, addresses, Social Security numbers, and other personal identification numbers.
2. If the government were to redact all personal identifying information, the discovery would be difficult to understand, and defense counsel would not be able to adequately evaluate the case, advise their clients, or prepare for trial. In addition, the discovery in this case is voluminous, making it impractical to redact all PII from the discovery.

1           3.       The Court finds it is appropriate, therefore, for the government to produce  
2       unredacted discovery that contains PII, pursuant to a Protective Order that preserves the  
3       privacy and security of the defendants and third parties.

4           4.       The Protective Order as requested by the parties will serve the government's  
5       interest in maintaining the privacy and security of the defendants and third parties while  
6       permitting the defense to understand the government's evidence.

7           5.       Accordingly, the discovery containing PII that the government will provide to  
8       defense counsel in the above-captioned case will be subject to this Protective Order, as follows:

9               a.       For purposes of the Protective Order, the term "Personal Identifying  
10      Information" ("PII") includes any information that can be used to identify a person, including  
11      name, address, date of birth, Social Security number, driver's license number, telephone  
12      number, account number, or other personal identification number. The term "Protected  
13      Information" refers to materials containing PII (with the exception of each defendant's own  
14      PII, when contained in materials produced to that particular defendant's counsel) that the  
15      government produces pursuant to the Protective Order.

16              b.       For purposes of the Protective Order, the term "defense team" refers to (1)  
17      the defendant, (2) defendant's counsel of record, (3) defense investigators who are assisting  
18      defense counsel with this case, (4) retained experts or potential experts, and (5) paralegals, legal  
19      assistants, and other support staff to defendant's counsel of record providing assistance on this  
20      case.

21              c.       The defendant's counsel of record agrees to advise all members of their  
22      defense team of their obligations under the Protective Order and ensure their agreement to  
23      follow the Protective Order, prior to providing members of the defense team with access to any  
24      materials subject to the Protective Order.



1           d.       The government is authorized to provide defendant's counsel of record  
2 with Protected Information marked, either physically or electronically: "CONTENTS  
3 SUBJECT TO PROTECTIVE ORDER." If defendant objects to any such designation, he may  
4 do so by application to the Court upon duly noticed motion, following meeting and conferring  
5 with the government regarding the objection.

6           e.       The defense team shall not permit anyone other than the members of that  
7 defense team to have possession of Protected Information.

8           f.       The defense team shall access and use Protected Information for the sole  
9 purpose of preparing for trial or any related proceedings in this case. The defense team may  
10 review Protected Information with a witness or potential witness in this case, including  
11 defendant. Before being shown any portion of Protected Information, however, any witness or  
12 potential witness must be informed of, and agree in writing to be bound by, the requirements of  
13 the Protective Order. No witness or potential witness may retain Protected Information, or any  
14 copy thereof, after his or her review of those materials with the defense team is complete.

15           g.       The defense team shall maintain Protected Information safely and  
16 securely, and shall exercise reasonable care in ensuring the confidentiality of those materials by  
17 (1) not permitting anyone other than defense team members and defendant as restricted above  
18 to see Protected Information, (2) not divulging to anyone the contents of Protected Information  
19 except as described in paragraph 4(g) of this Order, and (3) not permitting Protected  
20 Information to be outside the defense team's offices, homes, vehicles, or personal presence.

21           h.       To the extent that notes are made that memorialize, in whole or in part,  
22 the PII in any Protected Information, or to the extent that copies are made for authorized use  
23 by members of the defense team, such notes, copies, or reproductions become Protected  
24

1 Information, respectively, subject to the Protective Order and must be handled in accordance  
2 with the terms of the Protective Order.

3 i. The defense team shall use Protected Information, materials otherwise  
4 identified as containing PII, only for the litigation of this matter and for no other purpose.  
5 Litigation of this matter includes any appeal filed by defendant and any motion filed by  
6 defendant pursuant to 28 U.S.C. § 2255. In the event that a party needs to file Protected  
7 Information, or materials otherwise identified as containing PII, with the Court or divulge the  
8 contents of such materials in court filings, the filing should be made with appropriate redactions  
9 pursuant to LR IC 6-1 or under seal pursuant to the procedures set forth in LR IA 10-5.

10 j. The parties also agree that any PII produced in the course of discovery in  
11 the above-captioned matter prior to the date of the Protective Order shall be subject to the terms  
12 of the Protective Order.

13 k. Upon the final disposition of this case, any Protected Information,  
14 materials otherwise identified as containing PII, shall not be used, in any way, in any other  
15 matter, absent a court order. All materials designated subject to the Protective Order  
16 maintained in the defense team's files shall remain subject to the Protective Order unless and  
17 until such order is modified by court order. Within thirty days of the conclusion of appellate  
18 and post-conviction proceedings, the defense team shall return Protected Information and  
19 materials otherwise identified as containing PII to the government, or certify that such  
20 materials have been destroyed.

21 l. In the event that there is a substitution of counsel prior to when such  
22 documents must be returned, new defense counsel must join this Protective Order before any  
23 Protected Information, materials otherwise identified as containing PII, may be transferred  
24 from the undersigned defense counsel to the new defense counsel. New defense counsel then

1 will become the defense team's custodian of materials designated subject to the Protective  
2 Order and shall then become responsible, upon the conclusion of appellate and post-conviction  
3 proceedings, for returning to the government, or certifying the destruction of all Protected  
4 Information and materials otherwise identified as containing PII.

5 **IT IS SO ORDERED:**

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7   
8 \_\_\_\_\_  
NANCY J. KOPPE  
United States Magistrate Judge

July 11, 2024  
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Date